IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 6939 of 2006()

CRIME NO. 375/06 OF VALANCHERY POLICE STATION
CMP.7117/2006 of J.M.F.C.,TIRUR

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PETITIONER/ACCUSED:

MUSTAFA, S/O.MAMMU @ CHERIYAPPU,
KOLAMBAN HOUSE, ATHAVANAD, VALANCHERY,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, VALANCHERY
POLICE STATION-THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON 30/11/2006 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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B.A. NO. 6939 OF 2006

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Dated, this the 30th day of November 2006

ORDER

In this petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in Crime No. 375/2006 of Valanchery Police Station for offences punishable under Secs. 376, 324 and 506 (i) I.P.C., seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. This is a case in which a 39 year old father who is a gulf returnee has committed rape on his own 14 year old daughter through incestuous sexual intercourse. When the girl divulged the sexual perversion of her father to her step - mother, on coming to know about it, the accused is alleged to have tortured her and criminally intimidated her. The petitioner was arrested only on 10-11-2006. Investigation of the case is still in the preliminary stage. If, at this stage of investigation, the petitioner is released on bail, he will definitely influence and intimidate the victim whom he had already threatened by him with dire consequences. I am not inclined to grant bail to the petitioner at this stage of investigation.

This bail application is accordingly dismissed.

V. RAMKUMAR,
(JUDGE)

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